

Notice of Allowability

Application No.

09/862,386

Applicant(s)

LEONARD, CARPENTER ROBERT

Examiner

Brian T. Pendleton

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment on 9/10/04.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ The drawings filed on 22 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Allowable Subject Matter

Claims 1-3 are allowed.

The following is an examiner's statement of reasons for allowance: Spector discloses a megaphone system comprising a headset including a microphone assembly having a microphone, curved member for attaching the microphone assembly to the head of an user and a stalk connecting the microphone to the curved member and being capable of being bent to position the microphone adjacent to the user's mouth for hands-free operation, as shown in figures 1 and 3. The megaphone system also includes a body pack incorporating a belt which contains the speaker horn, battery, and amplifier circuitry. However, Spector does not disclose nor suggest an elongate flexible panel material for the belt wherein the panel has electrical conductors incorporated thereof, as required by independent claim 1. Previously, Spector was combined with Garth for the teaching of a high frequency audio tone generator connected to the amplifier to reject claim 2. That rejection is withdrawn. While the combination does teach the tone generator, it does not address the features of an elongate flexible panel for the belt and the positioning of the megaphone components, specifically, an output (speaker) horn in the center of the belt panel, a battery pack separate from the output horn on one end of the belt and an electronic module (amplifier) separate from the output horn on the other end of the belt and powered by the battery pack and arranged to supply audio frequency power to the output horn through electrical conductors incorporated in the panel. Therefore, claim 2 is allowable over the prior cited art. Lastly, the combination of Spector, Clegg and Libertucci were relied upon to reject claim 3. That reject is withdrawn. Spector discloses a microphone assembly for receiving voice signals from a user and a stalk connecting the microphone to a curved member. Clegg

Art Unit: 2644

discloses a curved ear hook member microphone. Libertucci discloses a belt having an elongate flexible panel with a pair of straps and a pair of moulded snap-fit connector parts. However, Libertucci is directed toward a carrier for a portable stereo unit and its speakers. There was not suggestion to combine it with the megaphone system of Spector and incorporate electrical conductors in the panel. Claim 3 is allowable over the prior cited art. Newly cited reference Carpenter, UK Patent Application GB 2 349 035 A, which is the instant inventor, discloses a hands-free megaphone in figure 1. However, the prior art megaphone does not disclose nor suggest that the belt 3 includes an elongate flexible panel with incorporated electrical conductors and an output horn, battery pack, and amplifier (electronic module) which are separately mounted on the belt, as required by claims 1, 2 and 3. As disclosed in the abstract, the housing 9 incorporates both the battery and amplifier.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (703) 305-9509. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian T. Pendleton
Examiner
Art Unit 2644



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SUPERVISORY PATENT EXAMINER